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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

KEONA SMITH,

Defendant and Appellant.

D076713

(Super. Ct. No. SCE390421)

APPEAL from a judgment of the Superior Court of San Diego County, Robert O. Amador, Judge. Affirmed.

Jill Kent, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Keona Smith entered into a plea agreement with a stipulated sentence. She pleaded guilty to one count of second degree burglary (Pen. Code,<sup>1</sup> § 459) and stipulated to a two-year term in custody. The remaining counts were dismissed. Smith requested

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<sup>1</sup> All further statutory references are to the Penal Code unless otherwise specified.

the court to impose a lower term of 16 months. The court declined her request and imposed the agreed two-year term.

Smith filed a timely notice of appeal but did not obtain a certificate of probable cause.

Appellate counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), indicating she has not been able to identify any arguable issues for reversal on appeal. Counsel asks this court to review the record for error as mandated by *Wende*. We offered Smith the opportunity to file her own brief on appeal, but she has not responded.

#### STATEMENT OF FACTS

In this guilty plea case, the parties stipulated Smith entered a building with the intent to commit a felony therein.

#### DISCUSSION

As we have noted, appellate counsel has filed a *Wende* brief and asks this court to review the record as required by *Wende*. To assist the court in its review of the record, and in compliance with *Anders v. California* (1967) 386 U.S. 738 (*Anders*), counsel has identified a possible issue that she considered in evaluating the potential merits of this appeal: Did the court err in imposing the agreed-to-sentence of two years.

We have reviewed the entire record as mandated by *Wende* and *Anders*. We have not discovered any arguable issues for reversal on appeal. Competent counsel has represented Smith on this appeal.

DISPOSITION

The judgment is affirmed.

HUFFMAN, J.

WE CONCUR:

BENKE, Acting P. J.

IRION, J.